

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 16-12322-RWZ

BADR BRAYAK, AHMED GHARRARI, HAMID KACI,  
ADIL ABDELJALIL, KHALID AKOUHAR, MOHAMED ESSAFI,  
and TAOUFIK BOUHRIT,  
on behalf of themselves and all others similarly situated

v.

NEW BOSTON PIE, INC., and CHARBEL RIZKALLAH

MEMORANDUM OF DECISION

January 9, 2018

ZOBEL, S.D.J.

The Proposed Plan for Class Notice (Docket Nos. 34 and 35) is approved  
subject to the attached modifications.

January 9, 2018

DATE

/s/Rya W. Zobel

RYA W. ZOBEL  
SENIOR UNITED STATES DISTRICT JUDGE

## **NOTICE OF CLASS ACTION LAWSUIT**

BADR BRAYAK, AHMED GHARRARI, HAMID KACI, ADIL ABDELJALIL,  
KHALID AKOUHAR, MOHAMAD ESSAFI, TAOUFIK BOUCHRIT

v.

NEW BOSTON PIE, INC., and CHARBEL RIZKALLAH

United States District Court, District of Massachusetts  
Civil Action No. 16-12322-RWZ

We are writing to tell you that you may be eligible to participate in a class action lawsuit. The lawsuit was filed as a class action by seven former delivery drivers (listed above and referred to in this Notice as the “Plaintiffs”) all of whom worked for a Domino’s franchisee (New Boston Pie, Inc.) and its owner (Charbel Rizkallah). New Boston Pie, Inc., and Mr. Rizkallah are referred to in this notice as the “Defendants.”

The lawsuit makes three main claims under Massachusetts law, and the court has certified a class for two as follows:

- Under the Massachusetts Tips Law, Mass. Gen. Laws ch. 149, § 152A, all delivery charges should have been paid to delivery drivers (“TIPS CLAIM”)
- Under the Massachusetts Minimum Wage Law, Mass. Gen. Laws ch. 151, §§ 1 & 7, delivery drivers should have been paid the full minimum wage, both because there was inadequate notice about payment of a “tipped” minimum wage and because non-tipped work was performed inside the store (such as folding boxes, preparing pizzas, etc.) (“MINIMUM WAGE CLAIM”)

The Defendants deny that they violated any laws or did anything wrong.

If the Plaintiffs win the TIPS CLAIM or MINIMUM WAGE CLAIM, class members may be entitled to treble damages, interest, and attorneys’ fees, pursuant to Mass. Gen. Laws ch. 149, § 150 and Mass. Gen. Laws ch. 151, § 20.

## **WHO IS AFFECTED**

On November 14, 2017, the court certified the case as a class action for the TIPS CLAIM and MINIMUM WAGE CLAIM. This does not mean that the Defendants have been found liable or that the class is entitled to any money yet. It means that the case will now proceed on behalf of all members of the “class.”

The “class” includes all **delivery drivers** who worked at any time between **November 19, 2013**, and **November 14, 2017**, for the Domino’s store run by New Boston Pie, Inc., located at 1144 Saratoga Street, East Boston, MA.

The court has appointed Stephen Churchill and Brant Casavant of Fair Work, P.C. ([www.fairworklaw.com](http://www.fairworklaw.com)) as Class Counsel. The court has appointed the Plaintiffs as Class Representatives.

## **WHAT YOU NEED TO DO**

If you worked as a delivery driver at the Domino’s location listed above at any time between November 19, 2013, and November 14, 2017, you are in the class. That means you will be represented by Class Counsel for the TIPS CLAIM and the MINIMUM WAGE CLAIM. You have the right to “opt out” of the class. If you do so, you will not be represented by Class Counsel, you will not benefit from a class settlement (if any), and you will not be bound in any way by any judgments issued in the case. If you do not opt out and the case goes to judgment as a class action, you will be bound by any judgments.

It is unlawful for the Defendants or any person acting for them to pressure you to opt out of the class. If you believe you are being pressured to opt out of the case, you may contact Class Counsel on a confidential basis to obtain legal advice about your rights.

## **ACTION REQUIRED**

If you choose to remain in the class for the TIPS CLAIM and MINIMUM WAGE CLAIM, you do not need to do anything, but you are encouraged to send an email to Class Counsel ([steve@fairworklaw.com](mailto:steve@fairworklaw.com) or [brant@fairworklaw.com](mailto:brant@fairworklaw.com)) with all of your contact information so you can be kept up to date on any case developments. If you choose to opt out of the class, you must notify Class Counsel (using the contact information below), in writing (by mail, fax, or email), by **DATE**\_\_\_\_\_.

If you know of anybody who worked at one of the Domino’s locations identified above during the relevant dates, please ask them to contact our office if they have not received a copy of this notice.

Here is the contact information for Class Counsel:

Stephen Churchill  
Brant Casavant  
Fair Work, P.C.  
192 South Street, Suite 450  
Boston, MA 02111  
Phone: 617-607-3260  
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